

## 46 Am. Jur. 2d Judges § 244

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### Judges

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### XII. Special, Substitute, or Pro Tem Judges

#### C. Rights, Powers, and Duties

## § 244. Extent of authority of substitute judge—Ancillary matters

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  25(1)

Proceedings are ancillary to the cause for which the jurisdiction of a temporary judge has been stipulated, so that the temporary judge does not have stipulated jurisdiction to such proceedings, where the proceedings are heard and determined on a separate record independent of the ruling in the stipulated cause, and thus are not a continuation of that cause.<sup>1</sup> Where a judge is assigned a cause pursuant to an exchange agreement between judges which includes all ancillary proceedings arising in connection with the cause, any other judge but the assigned judge is deprived of authority to act in such proceedings.<sup>2</sup>

Proceedings are the direct progeny of the cause for which the jurisdiction of a temporary judge has been stipulated, so that the temporary judge has stipulated jurisdiction to such proceedings, if they question the finality of the temporary judge's ruling or are part of the stipulated cause, such as motions for a new trial, motions to vacate due to mistake or excusable neglect, or motions to reconsider the ruling.<sup>3</sup>

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### Footnotes

- 1 [Walker v. San Francisco Housing Authority](#), 100 Cal. App. 4th 685, 122 Cal. Rptr. 2d 758 (1st Dist. 2002); [First City Bank of Houston v. Salinas](#), 754 S.W.2d 497 (Tex. App. Corpus Christi 1988).
- 2 [Waddle v. Sargent](#), 313 Ark. 539, 855 S.W.2d 919 (1993).
- 3 [Walker v. San Francisco Housing Authority](#), 100 Cal. App. 4th 685, 122 Cal. Rptr. 2d 758 (1st Dist. 2002).

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